

Capitol Security - Legislative Security Officer Proposal

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For the Legislative Council

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1. Definition of the Problem: Legislators do not feel safe in chamber without additional security. In addition, for certain controversial legislation last session, legislators found it necessary to contract with the Helena Police Department to provide additional security. The 2011 Legislature passed Senate Bill No. 279 (Ch.384, L. 2011) that provided an exception to the offense of carrying a concealed weapon for legislative security staff in the State Capitol who have been issued a concealed weapon permit, in part because of the feeling of lack of security. The Legislative Council has authority to define its security needs and adopt policies, to provide security for legislators, full-time and session legislative staff, the public, and others in the Capitol Building.

In researching this issue, Lenore Adams, Facilities Coordinator, and I have worked with the Governor's Office, including Steve Baiamonte of the Montana Highway Patrol and Vivian Hammill, Chief of Staff; Sheryl Olson and Marvin Eicholtz of the Department of Administration; and Chief Troy McGee Assistant and Chief Dave Jeseritz of the Helena Police Department. We have also consulted with the 2011 Sergeants-at-Arms. Although the 2013 session seems far off, a timely decision now would allow us to have a security plan in place by next fall.

2. Options/Considerations:

- a. Current coverage of the capitol campus is provided by one officer of the Helena Police Department and by unarmed Securitas officers who are assigned to broad facility issues, not specifically protective security, both under contract with the Department of Administration.
- b. The Council may consider needs for coverage (number and type) based on security for floor sessions and for committee hearings. For example, does the Legislature need:
 - presence of uniformed officers, sergeants-at-arms, or plain clothes security
 - unconcealed or concealed weapons in galleries and on the floor
 - full time or on call security?
- c. Options include hiring legislative security officers (either separately or under Sergeant-at-arms) or contracting with other law

Recommendation:

- a. For Legislative Services Division to contract with the Helena Police Department to provide the presence of two uniformed officers to be available full-time during the Legislative Session (would be defined as Legislative Security Officers) and throughout the interim. One officer could be present in the each gallery during floor session, the officers also would be available to patrol the Capitol during legislative working hours and to provide additional crowd management and security for controversial committee hearings.

Funding for '13 fiscal year/session could be reallocated from a combination of LSD carryforward and House and Senate Feed Bill. A new budget proposal would be required for the '14-'15 biennium. (cont.)

enforcement (Helena Police Department, Lewis & Clark County Sheriff's Department, or the Montana Highway Patrol).

d. Adopting this recommendation would also require position descriptions for the legislative security officer and sergeants-at-arms. There would be a need to define roles and responsibilities of both positions in order to complement each other and to coordinate with the other security details in the Capitol, i.e. Governor's security detail performed by the Montana Highway Patrol, the Helena Police Department, the Securitas officers, and the LSD Facilities Coordinator.

e. By having distinct position descriptions and well-defined roles and responsibilities, the Legislative Council will be able to develop policies that better define who is a Legislative Security Officer for which the exception to carry concealed weapons could apply. With proper training and support, the Legislature decreases its liability in the event that an incident occurs and increases security for the Legislature and the public alike. Sergeants-at-arms would continue in their traditional roles of providing appropriate access to the chambers, safety, and support to the legislators and the legislative process.

f. This proposal gives consideration to the public's perception of open government, its responsibility for the Capitol building itself, and the legislature's ability to provide a secure work space for itself, the staff, many visitors, and general public that comes to testify, observe, and participate in the legislative process.

3. Recommendation, cont.

b. The contract would be an addendum to the existing Department of Administration contract which would be the most effective way to coordinate with existing resources. The cost for one senior officer for total salary and benefits is \$75,802.00. There may be additional costs that could be negotiated for with the Department of Administration for the short-term and the costs researched and included with any new proposal for future biennia.

c. The next step would be to work closely with the Sergeants-at-arms to develop job descriptions and policy for the Sergeants-at-arms and their staff regarding carrying of weapons of any variety, including use of concealed weapons, to differentiate from legislative security officers. The contract law enforcement officers could provide training to the Sergeants-at-arms so their respective roles and responsibilities would complement each other. Training could include crowd control methods, how to diffuse crowds with high emotions, and enhanced security protocols for the entire building and campus.

d. The Council would need to consider a new budget proposal for the 2013 legislative session if this is intended to be an ongoing, continuing contract into the next biennium.

4. Reasoning:

Given the short time between the elections of leadership and the ability to hire the Sergeant-at-arms, there may not be enough time to ensure that the staff would have the appropriate training or weapons to fill this role. An addendum to the Department of Administration contract would be most efficient and if we provide the Helena Police Department advance notice, they could have officers trained and ready to assign in the fall prior to next session. The longer we wait, the more difficulty bringing one or more full-time officers on board, and the Helena Police Department

may or may not be able to provide additional support other than occasional, controversial hearings.

Concerns over increased liability, workers' compensation, cost of training, cost and maintenance of weapons, and other serious issues have been raised. Under a contract, those would be the responsibility of the Helena Police Department. If we hire, we must account for the liabilities involved. If Legislative Services Division was given the responsibility of contracting with law enforcement, it could be accomplished by the caucuses and legislator orientation. This would give the assigned officers time to become familiar with the legislators and legislative process, and be able to provide training to the legislators and staff to increase their comfort level with the security that would be available during the next session and beyond.

Upon the hiring of the Sergeant-at-arms, the law enforcement officers could be present as we prepare for session and assist in the training. A contract with existing law enforcement agencies would provide us the benefit of their expertise, complement the existing relationships, and strengthen the immediate access to the law enforcement community in the event of an emergency.

NCSL information on capitol security indicates that an equal number of states have either Capitol Police or the State Police overseeing general security at the state capitol, 14 states each. In only 4 states is capitol security in charge and in 3 states, the sergeant-at-arms is in charge (out of 39 states). In Wyoming, the State Highway Patrol provides capitol security (in the Montana Highway Patrol provides the Governor's security detail), and in Idaho it is their Department of Administration. In 37 states, capitol security charged with securing the building is allowed to carry weapons. In only 7 states are the sergeant-at-arms allowed. In 28 states, commissioned peace officers provide security in one or both chambers. (See Appendices.)

5. Statistics

From the Helena Police Department

There were 28 Calls-For-Service (CFS) reported to the emergency dispatch center during the 2011 Legislative Session, January 3rd thru April 28th, for the Montana State Capitol. The vast majority of these calls were somehow associated with the legislature and most (if not all) required a police response. In addition, PD officers responded to 21 hearings, protests etc., primarily to keep the peace. Forty-nine incidents requiring a formal police response to the Capitol between these dates can be accounted for.

This number is lower than Sgt. McGee's actual contacts. This is due to many factors, primarily the means by which complaints are received. If "dispatched" by GSD, Securitas, Facilities Coordinator or either Sergeant-at-arms, there is no CFS created. Complaints are also received by office or cellular phone, as well as in person. Again, these are not necessarily documented,

therefore add 10-20 additional police contacts during the session, for a total estimated figure of 59-69 incidents on the conservative side.

From Legislative Services Division

There are approximately 2,332 hours of legislative interim committee hearings between May after session through December of the year that precedes session. There are approximately 4,822 hours of nonlegislative hearings in the building during the interim.

There are approximately 127 Legislative staff, 55 Governor's Office staff, and 33 Secretary of State's full-time staff in the Capitol Building year round that would benefit from a more secure work environment.. There are 3,615 FTE on the Capitol Campus. (There are 6,714 FTE within the Capitol Complex which is defined as that area within a 10 mile radius of the Capitol.)

From the Historical Society

In 2010, there were 10,092 people who took a scheduled tours of the Capitol Building and 25,457 went to the Historical Museum here on the Capitol Complex. As of October 1, 2011, there have been 12,613 people who have taken a scheduled tour and 24,157 who went to the Museum. This count would include the 2011 session time frame. Tours can include schools groups, tourists, and local citizens.

Numerous people and other groups or tours show up unscheduled and unannounced during all of these time frames. If they elect to simply tour on their own, they would not be included any of these counts.

Appendices

NCSL Charts on:

1. What Entity Oversees General Security at the State Capitol?
2. Capitol Security: Do you have a Commissioned Peace Officer Providing Security in Your Chamber?
3. Capitol Security Survey: Who is allowed to carry Weapons into the Capitol Building?
4. Capitol Security: Who is required to pass through metal detectors, receive hand searches, and run personal items through x-ray machines?
5. Capitol Security: Capitol Building Entrances

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What Entity Oversees General Security at the State Capitol?

State	Capitol Police	State Police	Capitol Security	Sergeant at Arms	Additional Comments
Alabama	X				
Alaska	X				
Arizona					
Arkansas	X				
California				X	
Colorado		X			
Connecticut					
Delaware	X				
Florida					
Georgia	x				
Hawaii					Capitol Sheriffs under the Department of Public Safety oversees general security. The House and Senate Sergeant At Arms oversee areas controlled by respective bodies.
Idaho					Department of Administration
Illinois					Secretary of State Police maintains state capitol police, which provide law enforcement and protection
Indiana		X			
Iowa	X				
Kansas					
Kentucky		X			
Louisiana				X	
Maine		X			
Maryland	X	X			Both the State Police and "capitol" police provide security in the legislative complex. During the interim months the "capitol" police are the primary security but there is still a SP presence. During session State Police provide security in committees and in the chambers and generally on grounds but capitol police secure the buildings year round.
Massachusetts					
Michigan			X		
Minnesota					

Mississippi	X				
Missouri	X				
Montana					Capitol Sheriffs under the Department of Public Safety oversees general security. The House and Senate Sergeant At Arms oversee areas controlled by respective bodies.
Nebraska		X			
Nevada					Nevada 1. Capitol Police responsible for Capitol 2. Legislative Police responsible for Legislature.
New Hampshire			X		
New Jersey		X			
New Mexico			X		
New York					
North Carolina					
North Dakota			X		
Ohio		X			
Oklahoma				X	
Oregon		X			
Pennsylvania	X				
Rhode Island					
South Carolina	X				
South Dakota		X			
Tennessee		X			
Texas		X			
Utah		X			
Vermont	X				
Virginia					
Washington		X			
West Virginia	X				
Wisconsin	X				
Wyoming					State Highway Patrol

Source: National Conference of State Legislatures

Note: The following states did not respond to this portion of the survey: AZ, CT, FL, KS, MA, MN, NH, NY, NC, RI, VA.

Capitol Security:

Do you have a Commissioned Peace Officer Providing Security in your Chamber?

State	Senate	House
Alabama	Yes	Yes
Alaska	Yes	Yes
Arizona		
Arkansas	Yes	Yes
California	Yes	Yes
Colorado	No	No
Connecticut	Yes	Yes
Delaware	No	No
Florida	Yes	Yes
Georgia	No	No
Hawaii	No	No
Idaho	No	No
Illinois	Yes	Yes
Indiana	Yes	Yes
Iowa	No	No
Kansas	Yes	Yes
Kentucky	Yes	Yes
Louisiana	Yes	Yes
Maine	No	No
Maryland	Yes	Yes
Massachusetts		
Michigan	Yes	Yes
Minnesota	No	No
Mississippi	Yes	Yes
Missouri	No	No
Montana	No	No
Nebraska	Yes	NA
Nevada	Yes	Yes
New Hampshire	No	No
New Jersey	Yes	Yes
New Mexico	Yes	Yes
New York		
North Carolina	No	No
North Dakota	Yes	Yes
Ohio	No	Yes
Oklahoma	No	No
Oregon	Yes	Yes
Pennsylvania	No	No
Rhode Island	NA	NA
South Carolina	Yes	Yes
South Dakota	No	No
Tennessee	Yes	Yes
Texas	Yes	Yes
Utah	Yes	Yes

State	Senate	House
Vermont	No	No
Virginia	Yes	Yes
Washington	Yes	No
West Virginia	No	No
Wisconsin	No	No
Wyoming	Yes	Yes

Source: National Conference of State Legislatures

Note: The following states did not respond to this portion of the survey: AZ, CT, IL, MA, NY, RI.

Capitol Security Survey: Who is allowed to carry Weapons into the Capitol Building?

State	Capitol Security charged with securing the building	Sergeant at Arms	Commissioned Peace officers on official Business	Commissioned Peace Officers not on official business	Governor's Security Detail	Private Citizens with Concealed Weapons Permit	Everyone	Other
Alabama								
Alaska	X		X	X	X	X		
Arizona								
Arkansas	X		X		X			
California	X	X	X	X	X	X		
Colorado	X		X	X	X			
Connecticut								
Delaware	X		X		X			
Florida	X		X	X	X			
Georgia	X		X		X			
Hawaii	X	X	X	X	X	X		
Idaho	X		X		X			
Illinois								
Indiana	X		X	X	X			
Iowa	X							
Kansas	X		X	X	X			
Kentucky							X	
Louisiana	X	X			X			
Maine	X		X					
Maryland	X		X		X			
Massachusetts								
Michigan	X	X	X	X	X	X		
Minnesota	X		X		X	X		
Mississippi	X		X	X	X			
Missouri	X		X		X			
Montana			X					
Nebraska	X		X	X	X			
Nevada	X		X		X			
New Hampshire			X	X				X
New Jersey	X		X	X	X			
New Mexico	X		X	X	X			
New York								
North Carolina	X		X		X			
North Dakota	X				X			
Ohio	X	X	X		X			
Oklahoma	X		X		X			
Oregon								
Pennsylvania	X	X	X		X			
Rhode Island								

State	Capitol Security charged with securing the building	Sergeant at Arms	Commissioned Peace officers on official Business	Commissioned Peace Officers not on official business	Governor's Security Detail	Private Citizens with Concealed Weapons Permit	Everyone	Other
South Carolina	X	X	X		X			
South Dakota	X							
Tennessee	X		X	X	X			
Texas							X	
Utah								
Vermont	X		X		X			
Virginia	X		X	X	X	X		
Washington	X		X	X	X	X		
West Virginia	X							
Wisconsin	X		X	X	X			
Wyoming	X				X			

Source: National Conference of State Legislatures.

Note: The following chambers did not respond to the portion of the survey: AL, AZ, CT, IL, KS, KY, MA, NH, NY, OR, RI, UT

Capitol Security:
Who is required to pass through metal detectors, receive hand searches, and run personal items through X-ray machines?

Who is required to pass through metal detectors, receive hand searches, and run personal items through X-ray machines?

[illegible]

State	Do not have Metal Detectors, X-rays, or hand Searches	Governor	Governor's Staff	Legislators	Legislative Staff	Constitutional Officers	Staff	Other Capitol Occupants	Custodial Officers	Media	Lobbyists	General Public	School Groups	Orchestras/Bands	Other
South Carolina												X	X	X	
South Dakota	X														
Tennessee										X	X	X	X	X	
Texas										X	X	X	X	X	
Utah	X														
Vermont	X														
Virginia												X	X	X	
Washington	X														
West Virginia										X	X	X	X		
Wisconsin	X														
Wyoming	X														

Source: National Conference of State Legislatures.

Capitol Security: Capitol Building Entrances.

(Survey conducted in 2010, with a partial update in 2011.)

State	Number of Entrances	Security Guards Present	Armed Security Guards	Walk Through Metal Detectors	Hand Held Metal Detectors	X-Ray Machines	Hand Searches	Other
Alabama	6+	No	No	Yes ⁽¹⁾	NA	NA	NA	
Alaska	1	Yes	Yes	NA	NA	NA	NA	
Arizona		Yes ⁽²⁾						
Arkansas	2	Yes	Yes	Yes	No	No	Yes	
California	4	Yes	Yes	Yes	Yes	Yes	Yes	
Colorado	2	Yes	Yes	Yes	Yes	Yes	No	
Connecticut		Yes	Yes ⁽³⁾					
Delaware	1	Yes	Yes	Yes	Yes	Yes	Yes	
Florida	2	Yes	Yes	Yes	Yes	Yes	Yes	
Georgia	6+	Yes	No	Yes	Yes	No	Yes	
Hawaii	6+	No	No	No				
Idaho	6+	No	No	NA	NA	NA	NA	
Illinois				Yes ⁽⁴⁾				
Indiana	2	Yes	Yes	Yes	Yes	No	No	
Iowa	2	Yes	No	Yes	No	No	No	
Kansas	2	Yes	Yes	Yes	No	Yes	Yes	
Kentucky	4	Yes	Yes	Yes	No	No	No	
Louisiana	5	Yes	Yes	Yes	No	No	No	
Maine	1	Yes	Yes	NA	NA	NA	NA	
Maryland	2	Yes	Yes	Yes	Yes	Yes	No	
Massachusetts		Yes		Yes ⁽⁵⁾				
Michigan	2	No	No	NA	NA	NA	NA	
Minnesota	3	No	No	NA	NA	NA	NA	
Mississippi	2	Yes	No	Yes	No	No	No	
Missouri			⁽⁶⁾	⁽⁶⁾				
Montana	2	Yes	No	NA	NA	NA	NA	
Nebraska	4	No	No	NA	NA	NA	NA	
Nevada	3	Yes	Yes	No	No	No	No	Camera
New Hampshire	6+	No	No	NA	NA	NA	NA	
New Jersey	4	Yes	Yes	Yes	Yes	Yes	Yes	
New Mexico	5	No	No	No	No	No	No	Camera
New York	2 ⁽⁷⁾			Yes ⁽⁷⁾				
North Carolina	4	No	No	NA	NA	NA	NA	
North Dakota	5	No	No	NA	NA	NA	NA	
Ohio	6+	No	No	No	No	No	No	
Oklahoma	3	Yes	Yes	Yes	Yes	Yes	No	
Oregon	3	No	No ⁽⁸⁾	NA	NA	NA	NA	
Pennsylvania	5	No	No	Yes	Yes	Yes	Yes	
Rhode Island				Yes ⁽⁹⁾				

State	Number of Entrances	Security Guards Present	The Security Guards Are Armed	Walk Through Metal Detectors	Hand Held Metal Detectors	X-Ray Machines	Hand Searches	Other
South Carolina	2	Yes	Yes	Yes	Yes	No	Yes	
South Dakota	4	No	No	NA	NA	NA	NA	
Tennessee	2	Yes	Yes	Yes	Yes	No	No	
Texas	4	Yes	Yes	NA	NA	NA	NA	
Utah	4	No	No	No	No	No	No	Camera
Vermont	6	No	No	No	No	No	No	
Virginia	1	No	No	Yes	Yes	Yes	Yes	
Washington	3	No	No	No ⁽¹⁰⁾	No	No	No	
West Virginia	6+	No	No	Yes	No	Yes	No	
Wisconsin	6+ ⁽¹¹⁾	No	No	No	Yes ⁽¹¹⁾	NA	NA	
Wyoming	5	No	No	NA	NA	NA	NA	

SOURCE: National Conference of State Legislatures.

The following states did not respond to the survey: AZ, CT, IL, MA, MO, NY, and RI. Any data regarding these states has been obtained through legislature websites or phone calls.

NA: means that the state provided no answer to that particular question.

Footnotes:

1. AL – Answer from previous survey in 2008. From website in 2011 – “Please be aware, that during a Legislative Session, all visitors to the State House must pass through metal detectors upon entrance. Security personnel will confiscate, and hold, all firearms, knives and any other weapons, until the visitor exits the building (Joint Rule 16).”
2. AZ – Separate House and Senate buildings hold all functions of the legislature including chambers. All visitors stop at the security desk in the lobby before proceeding to any part of the buildings.
3. CT – Armed capitol police regularly patrol the building.. Doorkeepers monitor doors and alert capitol police if they are not near that entrance to the building..
4. IL – Installed after a capitol security guard was shot in 2004.
5. MA – Operated by uniformed Department of Conservation & Recreation rangers
6. MO – Capitol Police removed metal detectors from building entrances in 2005. Capitol Police regularly patrol the building and monitor entrances.
7. NY – Security screening technicians operate the metal detectors at the two public entrances to the capitol.
8. OR – Some armed security assigned to chambers.
9. RI – Operated by Capitol Police.
10. WA – Metal detectors were removed in 2005.
11. WI – Due to recent protests (March 2011), only two entrances are open to the public and hand-held metal detectors are in use.

